

# **PLAINTIFFS' EXHIBIT A**

**Exhibit A**

**Plaintiffs' Proposal Regarding Search String Negotiations,  
RFPs and Other Sources of ESI**

1. **Disputes regarding custodians in Groups 1-4.** With respect to search strings to be run for custodians in Groups 1-4 as to which the parties have not yet agreed on custodians, no later than November 9th, Plaintiffs will identify no more than 10 custodians and the search strings among the agreed upon strings that Plaintiffs propose to be run for each custodian. Plaintiffs will explain in writing why these search strings should be run for each custodian. The parties will meet and confer on November 10th and 12th. To the extent that any dispute remains as to the search strings to be applied to the 10 custodians, the parties will submit briefing by November 18th.

2. **Facebook will make a new proposal for Groups 5-8.** Within 10 days of the parties' reaching agreement on the search string negotiation process, Facebook will make a revised search string proposal (with hit counts, including unique hits, for each search string and by custodian, with the total hit counts deduplicated as to custodians in Groups 1-4) for the custodians in Groups 5-8. In connection with its search term proposal, Facebook will identify the custodians by Group (*i.e.*, Group 5, Group 6) against whose files each proposed string should run. Facebook's proposal will not revise any strings to which the parties agreed or the Court ordered for the prior custodians in Groups 1-4. If Facebook's proposal *excludes* any such strings, it will explain in writing why the string is not included. Any string Facebook proposes that was not agreed to or ordered by the Court will come from Facebook's prior proposal for the remaining custodians. Facebook will also explain in writing and with particularity why any such string is appropriate for the proposed custodians.

3. **Plaintiffs will make a counterproposal, also based on the Court's Order.** Within 10 days of receiving Facebook's proposal, Plaintiffs will make any counterproposal, which may include any strings to which the parties agreed or the Court ordered for the prior custodians in Groups 1-4, but which Facebook did not include in its proposal. Plaintiffs' counterproposal will not revise any strings to which the parties agreed or the Court ordered for the custodians in

Groups 1-4. In addition, Plaintiffs' counterproposal shall include no more than 35 new strings. For any string proposed by Plaintiffs that is not being run against the custodians in Groups 1-4, Plaintiffs will explain in writing (i) why the string is needed in addition to Facebook's proposed strings, and (ii) why the string is appropriate for the proposed Group. If Plaintiffs ask Facebook to run a string proposed by Facebook against the files of additional custodian groups, Plaintiffs will explain in writing and with particularity why the particular string should be run against the files of each additional Group. Within 5 days of receiving Plaintiffs' proposal, Facebook will generate hit counts on Plaintiffs' counterproposal (including unique hits) for each search string and by custodian, with the total hit counts deduplicated as to custodians in Groups 1-4.

4. **Facebook will provide its response to Plaintiffs' counterproposal.** Within 10 days of the delivery of hit counts on Plaintiffs' counterproposal, Facebook will provide its response to Plaintiffs' counterproposal, including hit counts for each string. For any search string proposed by Plaintiffs that Facebook does not accept, Facebook will explain in writing and with particularity the rationale for its rejection. Similarly, Facebook will explain in writing and with particularity its reasoning for declining to run strings against additional custodian groups proposed by Plaintiffs.

5. **The parties will meet and confer for one week before making their best and final offers.** The parties will meet and confer about the competing search string and custodian proposals for no more than one week. Each party will then make its best and final offer, within 5 days of which Facebook will provide updated hit counts based on the parties' competing proposals. Within 3 business days thereafter, the parties will decide which strings (and custodian groups) they will accept, and which they will dispute and submit to the Court. The parties shall make no further revisions to these strings. Within 5 business days thereafter, Facebook will provide updated hit counts based on the parties' competing proposals. Consistent with the Court's guidance and to assist the parties in resolving remaining disputes, the parties will negotiate a process for statistical sampling of a reasonable number of disputed terms, consistent with the ESI Protocol.

6. **The parties will submit disputed strings to the court.** Within seven days of completing statistical sampling, the parties will present disputed strings to the Court in the same format as their prior search string submissions, with each party limited to one page of narrative per string.

5. **The Parties will Resume Negotiations as to Remaining RFPs.** Plaintiffs will identify by November 13 the RFPs for which search terms are appropriate that remain to be negotiated. By November 24, Facebook will make a search term proposal for those RFPs. The parties will follow the same process for negotiations for these terms as set forth above. Also by November 13, Facebook will provide a proposed timeline for completion of targeted collections of responsive documents for RFPs for which targeted collections are appropriate (i.e., RFPs 14-17, 37-51, 60, and 61), or will identify those RFPs for which it declines to collect documents. The parties will utilize the procedures set forth in the Stipulation and Order on Discovery Dispute Resolution Procedures entered by the Court on March 31, 2020 to resolve disputes as to RFPs for which targeted collections are appropriate.

6. **Other Sources of ESI.** Pursuant to the Search Term Protocol negotiated by the parties, Facebook has identified sources of relevant ESI for which it has not proposed that search terms be applied. During the parties' meet and confers, Facebook indicated that it would be individually reviewing content in these sources to identify responsive materials. By November 20, Facebook will provide a proposal for collecting and producing responsive information from the sources of ESI that Facebook has identified and to which it does not intend to apply search terms, including but not limited to:

- a. Local files
- b. DropBox
- c. Google Drive
- d. Quip
- e. Internal Tasks
- f. One Drive
- g. FB Workplace Groups
- h. FB Wikis
- i. Zoho

- j. G Suite
- k. Sharepoint
- l. Hive

The parties will utilize the procedures set forth in the Stipulation and Order on Discovery Dispute Resolution Procedures entered by the Court on March 31, 2020 to resolve disputes as to documents collected from other sources of ESI.

7. **Deadlines.** The parties will use their best efforts to meet each of the deadlines set forth above. The parties recognize, however, that certain deadlines in this proposal may interfere with upcoming holidays. To the extent a deadline conflicts with a holiday, the party to which the deadline applies will raise the conflict as early as possible, and the parties will work in good faith to extend appropriate professional courtesies.